

MINUTES OF REGULAR MEETING**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

1776 E. Washington Street
Urbana, IL 61802

DATE: March 16, 2023**PLACE:** Shields-Carter Meeting Room
1776 East Washington Street**TIME:** 6:30 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Ryan Elwell, Nolan Herbert, Thaddeus Bates, Larry Wood, Jim Randol, Lee Roberts, Tom Anderson**MEMBERS ABSENT:** None**STAFF PRESENT:** John Hall, Susan Burgstrom, Isaak Simmers**OTHERS PRESENT:** Bowie Daly, Ryan Mumm, Brian Krutsinger, Lee Hockersmith, Philip Andars, Jim Weickersheimer, Kipp Weickersheimer, Jim White, Brad Mumm, Nikki Hodge, Jeff Jenkins, Jeff Jenkins Jr., Maddy Supp, Kiera Gavin, Deanna Zehr, Aaron Esry, Jamie Burke, Yancy Burke, Suzanne Smith, Tom Smith**1. Call to Order**

The meeting was called to order at 6:30 p.m.

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the Witness Register.

3. Correspondence – None**4. Minutes – None****5. Audience participation with respect to matters other than cases pending before the Board - None**

Mr. Elwell entertained a motion to move new cases 087-AM-23 and 088-V-23 to the top of the docket.

Mr. Bates moved, seconded by Mr. Randol, to move new cases 087-AM-23 and 088-V-23 to the top of the docket. The motion carried by voice vote.

Mr. Elwell entertained a motion to move continued case 074-S-22 to follow New Public Hearings.

Mr. Herbert moved, seconded by Mr. Roberts, to move continued case 074-S-22 to follow New Public Hearings. The motion carried by voice vote.

6. Continued Public Hearings

Case 074-S-22

Petitioner: Medanos Solar LLC, via agent Kiera Gavin

Request: Authorize a Community PV Solar Farm with a total nameplate capacity of 5 megawatts (MW), including access roads and wiring, in the AG-1 and AG-2 Agriculture Zoning Districts, and including the following waivers of standard conditions:

Part A: A waiver for a distance of 0 feet between a PV Solar Farm and a municipal boundary in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)a. of the Zoning Ordinance.

Part B: A waiver for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board, per Section 6.1.1 A.3. of the Zoning Ordinance.

Part C: A waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. of the Zoning Ordinance.

Part D: A waiver for not completing consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 K. of the Zoning Ordinance.

Part E: A waiver for a separation distance of 115 feet between the solar inverters and the perimeter fence in lieu of the minimum required 275 feet, per Section 6.1.5 D.(6).

Location: A 48.64-acre tract in the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter and part of a 197.02-acre tract in the east half of Section 4, Township 18 North, Range 14 West of the Second Principal Meridian in South Homer Township, and commonly known as farmland owned by Terry Wolf on the north side of CR 1100N (County Highway 15) northeast of the Village of Homer, Illinois.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. He reminded the audience that when they sign the witness register, they are signing an oath.

Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a show of hands from those who would like to cross-examine, and each person will be called upon. He said that those who desire to cross-examine do not have to sign the Witness Register but will be asked to clearly state their name before asking any questions. He noted that no new testimony is to be given during the

1 cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
2 exempt from cross-examination. He asked if the petitioner would like to outline the nature of their request
3 prior to introducing evidence.
4

5 Ms. Kiera Gavin, business address P.O. Box 14055, Chicago, IL 60657, thanked all the Board members
6 for hearing their case again tonight and as always thank you to the Staff for all their hard work behind the
7 scenes. She said she wanted to take a brief opportunity to summarize where they were at with the proposed
8 design since originally applying in September of last year. She said she felt they have taken a lot of steps
9 to hear the feedback from the town and neighbors to create a site plan that was hopefully the least impactful
10 on surrounding neighbors and the community. She said she felt that this plan was putting their best foot
11 forward in terms of accommodations with design. She said they doubled the setback and moved the array
12 to the back of the property and considered all impacts to the existing drainage tile that drains the entire
13 northeast corner of the Village of Homer and through special conditions will be responsible for the repair
14 if they do. She mentioned the agreement with Ameren to move the power poles back from the road and
15 will be pretty much out of site most of the time for the community. She said they conducted a few noise
16 studies and concluded that the noise from the inverters will not be an issue for neighbors, but as additional
17 assurance they also incorporated the noise fence around the inverters as an additional barrier. She said
18 finally they added the vegetative screening along the entire southern boundary. She said the plan in front
19 of them was the best iteration and hopefully an iteration with very little impact on neighbors and the
20 community. She said another thing she wanted to mention was their work with the landowner, Terry Wolf.
21 She said it was his desire to keep this land in his family and he sees our project as an opportunity to
22 diversify income streams as well as to maintain the long-term viability of the land and the long-term
23 opportunity to return it to farmland. She said in closing she wanted to say she thought this was a very
24 thorough process from the Board allowing local input and appreciated the questions and consideration the
25 Board has taken in considering the case. She thanked them for their time and asked for their support in the
26 approval of their Special Use Permit tonight.
27

28 Mr. Elwell asked if there were any questions from the Board, or Staff. Seeing none, he asked if anyone
29 would like to cross-examine the witness. Seeing no one, he said he would start hearing from people off
30 the Witness Register.
31

32 Mr. Jim White, 309 N East Street, Homer, IL, said he was the Mayor of the Village of Homer. He said he
33 was there to reaffirm what he spoke about last time. He wanted to first thank the Board for continuing this
34 hearing because he could not make it to the last meeting, and he felt it was important for the Board to hear
35 from him again. He said he would like the Board to not approve this Special Use Permit because there
36 were a lot of different reasons. He said it limited any potential future growth. He said he knew the Village
37 of Homer doesn't grow very much but they have always been blocked in by farmers who do not want to
38 sell so they cannot develop anything. He said this project would be a minimum of 30 to 40 years of not
39 being able to do anything on that side of town. He said that has always been a concern of his ever since
40 he lived in Homer how they have been boxed in by that. He said he understands that there has been a
41 change in the one-half mile variance that the county will no longer be able to enforce that, but they still
42 wish they would go by at least a half a mile away from the village just because to them it's an eyesore. He
43 said he knew about all the green stuff and knew it was all good, but the placement is not good for the
44 Village of Homer. He said to him, taking up good farm ground for this would not be beneficial to the
45 farming community of Homer. He said he was speaking for the Village and the Village Board. He said he
46 had one comment from a village resident where he did not care if it came in or not, but everybody he
47 talked to, which wasn't a lot, was not in favor of it. He said to them it was not good for property values
48 around the solar farm. He said it still was very close to some residential areas to the south that were not in
49 the village, but to the west there are some residents of the village that were close to it. He said the Village

1 of Homer owns some property just to the west of the village hall which has already been platted for future
2 homes to be located there. He said he has been talking about getting people to develop those lots the short
3 time he has been mayor. He said they would be reasonably close to the location of the proposed
4 construction. He said the Village was very concerned about the tile even though he understood Ms.
5 Gavin's testimony on that. He said anything can be said in here but when it happens who knows. He said
6 he would hate to see something happen to that tile. He said that was pretty much all he had to say, but he
7 did appreciate the solar company for doing what they could do to meet the Village's concerns if it were to
8 go through, which the Village hoped it did not.

9
10 Mr. Elwell asked if there were any questions from the Board or Staff for the witness.

11
12 Mr. Wood asked if he knew what the increase in property taxes would be in general for something like
13 this, that would affect the school systems and everything else. He said he felt it had to be significant.

14
15 Mr. Elwell said he thought Ms. Gavin during the second meeting maybe, did provide some testimony on
16 some evidence that a project like this would increase the revenue coming into Heritage School District.
17 He asked if that was the question Mr. Wood was asking.

18
19 Mr. Wood said he was just trying to get an idea of the impact that this project would have and considering
20 the value that was going into this it is going to significantly raise the value of that land for property tax
21 purposes which should have a significant impact on school systems. He said part of the reason why people
22 have solar systems going on an acre of land is that solar production produces about 75 to 100 times more
23 energy than that being produced from an acre of corn. He also said there was not a carbon footprint that
24 you would have to produce corn, that produces ethanol, to produce energy. He said that was just a much
25 longer process with a much larger carbon footprint, and the village was just going to keep seeing more of
26 this. He said they are going on roofs of houses, so he did not see how this would cause any visual blight
27 or anything like that. He said he has had his own solar system around his house for the last six years and
28 he really appreciates the fact that he does not have an energy bill anymore. He said he thought this project
29 would have a significant impact on their community as well.

30
31 Mr. White said he would respond to that. He said he drove by the solar farm off Curtis Road in Savoy. He
32 said they always say there is no glare from them but as he was driving by, every time he passed a row of
33 panels there was a flash of light off something on the solar panels. He said the way it was hitting was
34 flashing him in the eye as he went by, was not super distracting, but there is reflection from it. He said the
35 school is the biggest tax winner of this situation, fire department gets some, South Homer Township gets
36 some, but he did not have the figures in front of him. He said the Village of Homer will not get any because
37 it is not in the Village of Homer. He said if the Village did annex the property, then they would be getting
38 \$9,000 over 40 years. He said they would not be getting a bunch of money for it.

39
40 Mr. Wood said it would be hard to compare this site to the one in Savoy with the screening up and
41 vegetation. He said the University of Illinois did not put up any screen to cover that location. He said that
42 will make a difference.

43
44 Mr. Elwell asked if there were any more questions from the Board or Staff.

45
46 Mr. Bates asked if there has been any attempt recently for the solar company and the Village to come to
47 an amicable agreement between the two.

48
49 Mr. White said not recently, other than Ms. Gavin does stay in phone contact with him to ask if he had

1 any questions. He said in the past he spoke with her and did not have anything new for her because what
2 he would say to her is exactly what he is saying to the Board tonight. He said she has been very good as
3 far as what she does, but he just did not agree with her on this project.
4

5 Mr. Elwell asked if there were any more questions from the Board or Staff. Seeing none, he asked if
6 anyone would like to cross-examine this witness. Seeing no one, he thanked Mr. White for speaking.
7

8 Mr. White thanked the Board for their time.
9

10 Mr. Elwell asked if anyone else would like to testify in this case.
11

12 Lee Hockersmith, 401 E Grand Ave. St. Joseph, said he wanted to thank Mayor White for what he said
13 and just reinforce and say he was behind what he was saying. He said his property was on the east and
14 southern boundary of this and he has not spoken with anyone from the solar farm, so they have not reached
15 out to all the property owners. He said he felt it was going to be an eyesore and that there was a better
16 place for it other than right outside their community. He said for personal reasons, he has a child that
17 thought about building a forever home out on their place and that may be in jeopardy now. He said that
18 was all he had to say and that he wanted to support Jim.
19

20 Mr. Elwell asked if there were any questions from the Board or Staff. Seeing none, he asked if anyone
21 would like to cross-examine the witness. Seeing no one, he thanked Mr. Hockersmith and asked if anyone
22 else would like to testify in this case. Seeing no one, he entertained a motion to close the Witness Register
23 for Case 074-S-22.
24

25 **Mr. Roberts moved, seconded by Mr. Herbert, to close the Witness Register for Case 074-S-22. The**
26 **motion carried by voice vote.**
27

28 Mr. Elwell asked how the Board would like to proceed. He asked if he should read the special conditions.
29

30 Staff reminded Mr. Elwell that he went through the Special Conditions during the last public hearing.
31

32 Mr. Elwell said even better. He entertained a motion to move to the Findings of Fact for Case 074-S-22.
33 Seeing none, he asked if there was any more discussion.
34

35 Mr. Bates said he hasn't been on the Board for very long, but this has been one of the more troublesome
36 cases because there is such a divide. He felt that he should not be in the position of both judge and jury
37 here. He said he would love to see an amicable result for both sides, and he was just not sure where that
38 was at. He felt both sides had rights on this and did know they were in a situation currently where there is
39 currently a half mile setback in jeopardy by the State from where solar can be.
40

41 Mr. Elwell said it was not for solar. He said it was just the wind farm that could not be within the ETJ.
42

43 Mr. Bates asked if that was where it was getting changed to or where it was at now.
44

45 Mr. Elwell said the current State law said they could not have wind farms within the one- and one-half
46 miles of the municipal boundary.
47

48 Mr. Hall said okay, in House Bill 4412 there is no required separation between a municipality and a solar
49 farm, and there is also a statement that a county cannot adopt a more restrictive set of ordinances than

1 were outlined in that Bill. He said when he reads that Bill he felt it said counties cannot keep solar farms
2 half a mile away from villages in the future. He said they must allow it anywhere in the ETJ, and then if
3 it met their ordinance, which can't be more restrictive than ours, the Board would have to approve it. He
4 said it provided no discretion for counties at all.

5
6 Mr. Elwell said if the case was not approved tonight, then the solar company could come back with a new
7 plan and have less hoops to jump through in terms of concessions made through the past three meetings.

8
9 Mr. Hall said he did not quite know what Mr. Elwell meant by hoops. He said they have jumped through
10 hoops trying to satisfy neighbors and the village to no avail and if this came back, he would anticipate the
11 same thing happening. He said he did not see the village's position changing and he sees this petitioner as
12 trying their best to accommodate neighbors.

13
14 Mr. Elwell said but State law would say the petitioner did not have to run through the hoops, correct.

15
16 Mr. Hall said yes, State law would. He said he did not know what this Board would say or what the County
17 Board would say, but State law does not give any consideration to neighbors.

18
19 Mr. Elwell said his concern would be if they had to come back to us then they would not be as willing to
20 make as many concessions. He asked if this project proposal was going to be their best option moving
21 forward.

22
23 Mr. Hall said a fair reading of the House Bill would say the county has no discretion to require
24 requirements greater than what the State has, so next time even if the Board wanted to require the noise
25 fence, they would not have the ability to require that. He said if they want to require the power poles to be
26 where they are at now, they could not require that. He said he thinks the Board could require the screening.

27
28 Mr. Bates said he agreed with everything they were saying, on both sides, he just felt that no matter the
29 conclusion, someone was going to be the presumed loser. He said that was why he asked the question he
30 did. He said both sides have rights, and they were in the tough position to make the decision.

31
32 Mr. Randol said he would like to add a little. He said he agreed that the petitioners have worked very well
33 with the Board and the Village of Homer to meet some requirements that they asked for. He said he would
34 much rather have solar out his back door than a wind farm, especially with a setback like this one here,
35 but he just felt it was too close to the Village of Homer. He said they have not convinced him that this is
36 the best location for the project to be located in the village's backyard.

37
38 Mr. Bates said part of the reason why they were pushing so hard was because they were not allowed to
39 move the electric piece because of the site drawing. He said there are other options, but they also know
40 where they're at in the queue; if that changes, then that changes their position. He said the other side of
41 that is they fully understand it might come back in the same spot without the Board having any ability to
42 make a decision on it.

43
44 Mr. Randol said his opinion was the Zoning Board has to stand up to the State, which should not tell us
45 in the county what we have to do whenever we have established zoning regulations to go by within the
46 county, and then have the State come in and stay, you can't do that, you've got to do what we say. He said
47 that really rubs him the wrong direction. He said in the past he had agreed with how things have gone and
48 the way people have worked together, but at the ultimate end he did not agree with the end result.

49

1 Mr. Elwell thanked Ms. Gavin for all the work she has done working with the village and the Board. He
2 asked if House Bill 4412 was looked at favorably by solar developers.

3
4 Ms. Gavin said it was very sweeping legislation that does limit the counties’ ability to regulate these solar
5 farms in the future. She said from her perspective, the ordinance in Champaign County was strict and
6 really considered every element of the solar farm and enforces them to a higher degree and they decided
7 not to take the steps of withdrawing the project knowing the implications of House Bill 4412 and the
8 potential ramifications, positive or negative. She said they designed their project with the village and
9 Board’s feedback in mind to put their best foot forward with this site plan and compromised on everything
10 they could up to this point. She said that was the path they took and hoped to take that path moving
11 forward.

12
13 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 074-S-22.

14
15 **Mr. Roberts moved, seconded by Mr. Wood, to move to the Findings of Fact for Case 074-S-22.**

16
17 Mr. Elwell requested a roll call vote.

18
19 The vote was called as follows:

20	Randol- No	Roberts- Yes	Anderson- Yes	Herbert- No
21	Elwell- No	Wood- Yes	Bates- No	

22
23 Mr. Elwell asked Mr. Hall if that was only three affirmative votes.

24
25 Mr. Hall said yes, that failed.

26
27 Mr. Elwell said he prides himself by not putting himself in a room where he is the smartest person. He
28 said the reason he voted the way he did was because he also agreed the proposed project was too close
29 and would like the voice of the Village of Homer to be heard. He said he felt part of it has been heard but
30 they were still on both ends and he did not know if there was going to be a middle point. He said his only
31 concern was if this was not recommended in a positive light to the County Board then what would stop
32 someone from coming in tomorrow and re-applying. He asked if that would be better for the Village of
33 Homer.

34
35 Mr. Wood said he doubts it.

36
37 Mr. Herbert said he felt that voting on what was in front of them today was all they had. He said anything
38 that comes back or gets submitted anew is a different story. He said he did not feel it was right to vote yes
39 on this because of what they think will be coming down the pipeline with the State. He said he was not
40 comfortable with the proximity to the Village of Homer as well and that was why he voted the way he
41 did.

42
43 Mr. Wood asked what their liability was if the petitioners came back with another project and the Board
44 decided not to vote on it, could they sue.

45
46 Mr. Hall said this Board must vote on every petition it is presented with. He said the Board cannot just
47 choose not to vote. He said that would be unconstitutional. He said the Board must vote one way or the
48 other or it can be sued.

49

1 Mr. Wood asked if the Board should then reconsider what they just did.

2
3 Mr. Bates said the fact is they could be sued for anything.

4
5 Mr. Hall said you can be sued for anything, but not giving someone a vote on their petition is absolutely
6 against the law. He said people can sue for anything they want but this is a guaranteed loss.

7
8 Mr. Bates asked if they were just supposed to push it through.

9
10 Mr. Hall asked why the Board just doesn't vote no.

11
12 Mr. Bates said he did vote no.

13
14 Mr. Hall said no, that was just on the Finding of Fact. He said the Board must make a Finding of Fact
15 before they can make a Final Determination and you could make them all negative, but you have to do the
16 process.

17
18 Mr. Bates said they were all written to be in the affirmative.

19
20 Mr. Hall said they could change that, and ideally it would make no sense to have all affirmative findings
21 and then deny the project. He said that could happen, but it would be somewhat illogical. He said it would
22 be better to have negative findings supporting a recommendation of denial. He said that was the strongest
23 position they could be in. He said the Board has talked about plenty of reasons why they feel this project
24 should be denied. He said now they must turn to the finding and put that down on paper.

25
26 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 074-S-22.

27
28 **Mr. Roberts moved, seconded by Mr. Wood, to move to the Findings of Fact for Case 074-S-22. The**
29 **motion carried by voice vote.**

30
31 Mr. Elwell informed the petitioner that he was going to be reading from page 48 of 61 from Attachment
32 B, Findings of Fact.

33
34 **FINDINGS OF FACT FOR CASE 074-S-22**

35 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
36 **074-S-22 held on December 29, 2022, February 16, 2023, March 2, 2023 and March 16, 2023**, the
37 Zoning Board of Appeals of Champaign County finds that:

38
39 **1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this**
40 **location because:**

41
42 Mr. Wood said the requested Special Use Permit IS necessary because the State of Illinois has adopted a
43 Renewable Portfolio Standard that established a goal of 25% of the State's energy coming from renewable
44 sources by the year 2025 and the Illinois Future Energy Jobs Act requires installation of 3,000 MW of
45 new solar capacity by the year 2030, and for this particular event here, there is an existing power line
46 along the south side of CR 1100N where they can attach themselves to the grid.

47
48 Mr. Elwell asked what the definition of public convenience is.

1 Mr. Hall said it was a very broad concept. He said it was very difficult to hinge the public convenience on
 2 100% facts, in fact in his mind it was the most problematic finding that our ordinance requires for Special
 3 Use Permits, and he wished it weren't in there. He said it did not have to be in there but changing it would
 4 be a huge change. He said he believed that people could add elements to what Mr. Wood just proposed
 5 that would turn this into a negative. He said the other thing he wanted to point out is for the Board to deny
 6 a Special Use Permit they would only need one negative finding. He said they do not all need to be
 7 negative, but they needed at least one. He wanted the Board to keep that in mind as they went through
 8 these.

9
 10 Mr. Bates said he needed to be clear that this was not a scenario between renewable energy or not for him.
 11 He said he was learning this process as he goes like a lot of people. He said he hated that they were on
 12 two extremes here in this case and to be fair he is looking at solar for his house. He said it was not about
 13 renewable energy, it was about proximity. He said the landowner where this project is being proposed has
 14 rights too. He said if they made the decision today, they would set this on the tracks for the next 30 to 40
 15 years without any further discussion, with the understanding of what could be coming down from the State
 16 anyway. He said to Mr. Herbert's point, they had to vote on what was in front of them at that moment.

17
 18 Mr. Elwell asked if the Board wanted to add anything to number one, and no one commented.

19
 20 **2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
 21 ***HEREIN*** is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}*
 22 **be injurious to the district in which it shall be located or otherwise detrimental to the public**
 23 **health, safety, and welfare because:**

24 **a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance**
 25 **location has *{ADEQUATE / INADEQUATE}* visibility.**

26
 27 Mr. Wood said the requested Special Use Permit looked to him that it is so designed that the street has
 28 ADEQUATE traffic capacity, and the entrance location has ADEQAUTE visibility.

29
 30 **b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*:**

31
 32 Mr. Wood said the emergency services availability would be ADEQAUTE because as close to the Village
 33 of Homer as they are within less than a half a mile, and an email from the fire chief stating they had
 34 received the site plan for the proposed solar farm, and the Homer Fire Protection District was notified and
 35 no comments were received that he was aware of at this point.

36
 37 **c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:**

38
 39 Mr. Randol said the Special Use WILL NOT be compatible because the resolution from the Village of
 40 Homer on January 26th citing that there were incompatibility concerns with the proximity of everything,
 41 and the input from public hearings voiced the same concerns.

42
 43 Mr. Elwell asked Mr. Hall if he could have Mr. White come back up to the microphone.

44
 45 Mr. Hall said he does not know what the By-laws say about that. He said the Witness Register has been
 46 closed so a request like that should be voted on by the Board.

47
 48 Mr. Elwell said the reason he asked was he would like the Village of Homer's opinion on if this does not
 49 go through would this be a better option for the Village or is the State law the better option for the village.

1 Mr. Wood said it was fine with him.

2
3 Mr. Randol said he did not have a problem with it if it will help them resolve this case. He did not know
4 what the By-laws are either.

5
6 Mr. Hall said the standard is they have closed the Witness Register and accepting further testimony should
7 be something the Board votes on.

8
9 **Mr. Randol moved, seconded by Mr. Wood, to invite the Mayor of Homer, Jim White, back to the**
10 **witness stand and question him. The motion carried by voice vote.**

11
12 Mr. Elwell asked Mr. White to come back up to the microphone.

13
14 Mr. Elwell restated his questions.

15
16 Mr. White said he was not 100% familiar with what the State law is or could be. He said that was a big
17 issue to him. He said the Board had to make their decisions based on what was in front of them because
18 they did not know what the State was going to require. He said he would like a good answer to what the
19 State was going to require or not. He said he did not see how the village would be any worse off if a solar
20 farm was right up against them or not. He said the field tile was a given and common sense, but he did not
21 know what the law could be.

22
23 Mr. Hall said just as an example, the current version of the State law would allow, it seems impossible to
24 say this, but it would allow disturbance of that tile with no prior comment or review. He said that would
25 be lawful under this Act. He said there were certain drainage districts that think that is quite
26 unconstitutional but that will be determined in the courts at some point probably. He said but as of May
27 26th, that is what the State law will be regarding solar farms and wind farms. He said tiles can be disturbed
28 with no prior review or comment.

29
30 Mr. Wood said it would also allow them to put solar panels right up to 1100N, there would be no restriction
31 there at all.

32
33 Mr. Hall said, and the County could not impose any restriction.

34
35 Mr. Wood said they could put it right up to their building on the County Road there.

36
37 Mr. Bates said virtually no set back.

38
39 Mr. Randol said yes, everything could go right back to the original plan.

40
41 Mr. Hall said it could be much worse than the original plan.

42
43 Mr. Randol said anything they made headway on for the village in terms of protection could be lost.

44
45 Mr. White said he understood that. He said he honestly did not know how to answer it, but he knew they
46 did not want them there at all. He would hope that if the State did follow through with that that there
47 would be a lot of lawsuits by drainage districts, communities, and Zoning Boards. He said he did not want
48 solar projects there in any form basically. He said it was his opinion as mayor that they would take that
49 chance.

1 Mr. Randol said Ms. Gavin looks like she would like to address the Board again. He asked the Board how
2 they could do that.

3

4 Mr. Elwell entertained a motion to allow Ms. Gavin to address the Board again.

5

6 **Mr. Wood moved, seconded by Mr. Randol, to allow Ms. Gavin to address the Board again. The**
7 **motion carried by voice vote.**

8

9 Ms. Gavin said thank you. She said she had a few points. She said solar companies were still required to
10 comply with the Agricultural Impact Mitigation Agreement with the passing of the new House Bill, which
11 does have a lot of drainage tile protection. She said she heard that concern and hears that concern across
12 the State. She said all AIMA protections remain in place and it is a safeguard that is being maintained.
13 She also wanted to mention that they did want to be good neighbors and partners in their communities.
14 She said it was not their intention to turn around and put a solar farm right up to the road after all the
15 conversations and work that has been done with all the feedback. She said they were hearing the town's
16 input. She said prior to the first public hearing she did a lot of communication back and forth with the
17 village. She said she attended the town meetings and held an albeit poorly attended community meeting.
18 She said that was the first iteration of design changes was feedback from the Board at that point. She said
19 at that point they were communicating with letters back and forth between the Village Board answering
20 each of the points to say how the project was adjusting, or if it was something we couldn't adjust but
21 discuss further. She said she sent personal letters, not just the formal notice, to the neighbors of the
22 property before the first hearing. She said that letter included a depiction of the proposed site plan and her
23 contact information if they wanted to get in touch. She also followed up with anyone who attended that
24 public hearing with another letter addressing any specific questions or comments they had. She said she
25 did try to make herself available to the community and be in communication as the project has been
26 changed.

27

28 Mr. Bates said he wanted to be clear that his questions were not to shed a negative light on the petitioner's
29 attempts. He said he felt that they have been more than forthcoming and attentive to all parties involved.

30

31 Ms. Gavin said thank you.

32

33 Mr. Bates said again, we know this is a very hot topic and both sides have rights. He said this was a
34 difficult case because he could see both sides of it and just does not see a common ground. He said he
35 thinks they were doing the right thing by having the discussion. He said he feels like he is sitting on a jury
36 and did not like that at this point.

37

38 Ms. Gavin said she appreciated that. She said the Board heard all the changes that were made and what
39 they were trying to do. She really did want to emphasize that this project was a self-contained, pollution
40 free project with very limited noise and they have done even more to limit the noise. She said they added
41 screening from view and three football fields away from the closest point to the village building and the
42 same away from the road. She said they talked about the intentions of the landowner and the questions
43 and thoughts on expansion. She said this was his goal with his land and what he wanted to do with it and
44 she thinks they have done everything they could to avoid the project being a visual blight and impacting
45 neighboring uses at all. She hoped the Board took that into consideration.

46

47 Mr. Elwell asked if the Board could still give a positive recommendation with a negative finding.

48

1 Mr. Hall said right now they were working on sub-findings under number two. He said they could say a
2 lot of things under number two, but what is critical is whether it WILL NOT or WILL be injurious. He
3 said hopefully it is consistent with what the overall finding is.
4

5 Mr. Elwell asked Mr. Randol if he had anything else to add to part c.
6

7 Mr. Randol said he did not but someone else may have something to add.
8

9 Mr. Wood said they addressed every issue there in part c. He said property values just do not go down
10 with solar. He said they may go down with wind farms, but not solar. He said they have solar all over
11 Champaign-Urbana and he has not seen any drop in property value. He said just like the Curtis Road thing,
12 all the residential property around the Curtis Road project hasn't decreased there and he doubts that would
13 ever happen. He said the only thing that will bring the property values down is if the interest rate keeps
14 going up.
15

16 Mr. Bates said he would challenge that because even if he's correct at this current time he could not speak
17 to 30 years from now when the projects are run down, bankrupt, or not working. He said he agreed with
18 his statement that right now there is no direct impact now but could not predict the future.
19

20 Mr. Hall said he was glad Mr. Bates said that. He said an unfortunate effect of the State law is we have
21 lots of conditions in our ordinance where we can pull the financial assurance and take down a solar farm
22 or wind farm if it is run down. He said they would not have near that ability in the future. He said in the
23 future they could only do that if landowners have not received payments for 6 months, or if the project
24 stopped working for a year. He said he cannot say enough that the House Bill curtails all of county
25 discretion. He said as the Zoning Administrator he hopes that he will never have to do that to a wind farm
26 or solar farm because it would be difficult, period. He said they do have more discretion now under their
27 current rules and will have no discretion in the future.
28

29 Mr. Wood said he did not have a crystal ball but unless they allow a community or something like that to
30 go completely downhill with houses that don't have people in them and things like that, that was the only
31 thing that he could think of that was really going to cause the property values to go down. He said in the
32 last fifty years that he has been involved in dealing with real-estate that has not been the case, not in the
33 long run. He said they certainly dealt with the vegetative management. He said that was a part of their
34 zoning regulations that is required, and it could also be used to produce a significant amount of honey if
35 you want to go that far down the road. He said they did have a decommissioning plan in place that will
36 basically require that once the project has reached the end of its useful life and stops working that it will
37 be removed, and the money will be there. He said the screening has been taken care of because there is
38 now screening all along the south side. He said the power pole locations have been moved because the
39 village voiced concerns about them being too close to the road and too close to the village building, and
40 the protection of drainage tile is ensured. He said the only things that will be running across them will be
41 farm equipment to plant corn and beans like what has been happening for many years, and any other drain
42 tile they find in there they are required to repair it if damaged. He said he thinks the Board has answered
43 all that and he did not see the value of having that in there. He knows that there were objections raised,
44 but he thinks part of the problem there is just not knowing what this is all about and all the things this
45 Board has taken care of to help mitigate any serious issues. He said and of course obviously the proposed
46 solar farm is compatible with adjacent agriculture. He said he just could not get over the fact that not liking
47 it is not a valid excuse, it's just not. He said the next thing they're going to have is another plan coming
48 down the road on the other side of town right against the city limits, or this petitioner could come back
49 and do the same thing over again and the village will not get the restrictions they have in the proposed

1 project now. He said he does not see that in the current State law in place and was not aware of any
2 lawsuits currently against it at this point.

3
4 Mr. Bates said he knew what Mr. Wood was saying but was there to speak for the people of the village
5 who felt contrary.

6
7 Mr. Wood said we've heard from two.

8
9 Mr. Bates said we heard from the mayor who represents the village. He said just because Mr. Wood had
10 one view does not mean that the village was not entitled to their own.

11
12 Mr. Wood said he understood and for a lot of new things NIMBY is an issue.

13
14 Mr. Hall asked if part d. there was to be included as part of the finding.

15
16 Mr. Wood said as far as he was concerned item d. was the only one valid there and his point was to say
17 that the Special Use Permit WILL be compatible with adjacent uses, particularly because in two weeks
18 the petitioner could come back with another project and they will have a completely different set of rules
19 to deal with, with even less restrictions.

20
21 Mr. Bates asked if that House Bill has been voted in.

22
23 Mr. Hall said it is the law right now.

24
25 Mr. Wood said the only thing he could suggest to them now is the grass is not green on the other side of
26 the fence right now.

27
28 **d. Surface and subsurface drainage will be {ADEQUATE / INADEQUATE} {because*}:**

29
30 Mr. Randol said the surface and subsurface drainage will be ADEQAUTE because no part of the subject
31 property is in the Special Flood Hazard Area, the proposed project must comply with the Storm Water
32 Management and Erosion Control Ordinance, and the petitioners, in coordination with the Village of
33 Homer, have established a drain tile corridor and setback for the village tile that crosses the subject
34 property.

35
36 **e. Public safety will be {ADEQUATE / INADEQUATE} {because*}:**

37
38 Mr. Randol said the public safety will be ADEQUATE because all relevant jurisdictions were notified of
39 this case, and no comments have been received regarding safety, as far as training.

40
41 **f. The provisions for parking will be {ADEQUATE / INADEQUATE} {because*}:**

42
43 Mr. Herbert said the provisions for parking will be ADEQUATE because no parking is required for a PV
44 solar farm.

45
46 **g. The property {IS/IS NOT} WELL SUITED OVERALL for the proposed
47 improvements {because*}:**

48

1 Mr. Bates said the property IS NOT well suited overall for the proposed improvements due to the project's
2 proximity to the Village of Homer.

3
4 **h. Existing public services {ARE/ARE NOT} available to support the proposed
5 SPECIAL USE without undue public expense {because*}:**

6
7 Mr. Randol said the existing public services ARE available to support the proposed Special Use because
8 there have not been any additional public services necessary for the proposed development.

9
10 **i. Existing public infrastructure together with the proposed development {IS/IS NOT}
11 adequate to support the proposed development effectively and safely without undue
12 public expense {because*}:**

13
14 Mr. Randol said the existing public infrastructure IS adequate to support the proposed development and
15 safely. No new public infrastructure is required for the proposed development.

16
17 Mr. Elwell said and, therefore WILL or WILL NOT be.

18
19 Ms. Burgstrom apologized if she was speaking out of turn but felt that part c. was unresolved and wanted
20 to make sure it was clear for the record. She said we had one Board Member who spoke against it and one
21 Board Member who spoke in favor of it. She said they did not come down to whether it was going to be
22 a WILL or WILL NOT.

23
24 Mr. Hall said they only had one move for WILL NOT.

25
26 Ms. Burgstrom said but then we had Mr. Wood said he would like it to be WILL.

27
28 Mr. Hall said right, and no one else.

29
30 Mr. Herbert asked if he could make a motion to vote on that.

31
32 Mr. Hall said they could vote on each of these and even have a roll call on each of them. He said that
33 might not be a bad idea.

34
35 Mr. Herbert said he thinks that would be a fine idea if they were having disagreements.

36
37 **Mr. Herbert moved, seconded by Mr. Randol, to have a roll call vote for item c., the Special Use
38 WILL NOT be compatible with adjacent land uses.**

39
40 Mr. Bates wanted clarification for what voting no means.

41
42 Mr. Elwell said no means WILL, and an affirmative vote would support WILL NOT.

43
44 The vote was called as follows:

45 **Randol- Yes Roberts- No Anderson- No Herbert- Yes**
46 **Elwell- Yes Wood- No Bates- Yes**

47
48 **The motion carried by roll call vote.**

49

1 Mr. Elwell said the requested Special Use Permit WILL be injurious to the district in which it shall be
2 located or otherwise detrimental to the public health, safety, and welfare.

3
4 Mr. Wood said it WILL NOT be injurious because we had 7 out of the 8 findings that were positive for
5 this item, but the Board could have a vote on that if they wish.

6
7 Mr. Elwell entertained a motion.

8
9 **Mr. Bates moved, seconded by Randol, that the requested Special Use Permit WILL be injurious to**
10 **the district in which it shall be located or otherwise detrimental to the public health, safety, and**
11 **welfare.**

12
13 The vote was called as follows:

14	Randol- Yes	Roberts- No	Anderson- Yes	Herbert- Yes
15	Elwell- Yes	Wood- No	Bates- Yes	

16
17 **The motion carried by roll call vote.**

18
19 **3a. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
20 **HEREIN} {DOES / DOES NOT} conform to the applicable regulations and standards of the**
21 **DISTRICT in which it is located, subject to approval of the requested waivers.**

22
23 Mr. Randol said the requested Special Use Permit DOES conform to the applicable regulations and
24 standards of the district in which it is located.

25
26 **3b. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
27 **HEREIN} {DOES / DOES NOT} preserve the essential character of the DISTRICT in which**
28 **it is located because:**

29 **a. The Special Use will be designed to {CONFORM / NOT CONFORM} to all relevant**
30 **County ordinances and codes.**

31
32 Mr. Randol said the Special Use unfortunately does CONFORM to all relevant County ordinances and
33 codes.

34
35 **b. The Special Use {WILL / WILL NOT} be compatible with adjacent uses.**

36
37 Mr. Randol said the Special Use WILL be compatible with adjacent land uses.

38
39 Mr. Elwell asked if that would contradict item c.

40
41 Mr. Hall said yes that would be a difference, but that was why the Board votes on these independently to
42 allow for that difference. He was not saying that it was wrong, just that there was a difference.

43
44 **c. Public safety will be {ADEQUATE / INADEQUATE}.**

45
46 Mr. Randol said public safety is ADEQUATE, and therefore DOES preserve the essential character of the
47 district in which it is located.

48

1 4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED*
2 *HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance
3 because:

- 4 a. The Special Use is authorized in the District.
- 5 b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience
6 at this location.

7
8 Mr. Wood said the requested Special Use Permit IS necessary for the public convenience.

9
10 Mr. Herbert said it IS NOT necessary for the public convenience at this location.

11
12 Mr. Elwell entertained a motion to have a roll call vote.

13
14 **Mr. Herbert moved, seconded by Mr. Bates, that the requested Special Use IS NOT for the public**
15 **convenience at this location.**

16
17 The vote was called as follows:

18 Randol- Yes	Roberts- No	Anderson- No	Herbert- Yes
19 Elwell- Yes	Wood- No	Bates- Yes	

20
21 **The motion carried by roll call vote.**

- 22
- 23 c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS*
24 *IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it
25 *{WILL / WILL NOT}* be injurious to the district in which it shall be located or
26 otherwise detrimental to the public health, safety, and welfare.

27
28 Mr. Bates said the requested Special Use Permit WILL NOT be injurious for the public health, safety, or
29 welfare.

- 30
- 31 d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS*
32 *IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the
33 **DISTRICT in which it is located.**

34
35 Mr. Randol said the requested Special Use Permit DOES preserve the essential character because the
36 Board was following the ordinance. He said they do not agree with everything, but they were following
37 it.

38
39 Mr. Wood said that would contradict item one.

40
41 Mr. Elwell said and, therefore.

42
43 Mr. Wood said the requested Special Use Permit IS in harmony with the general purpose and intent of the
44 Ordinance.

45
46 Mr. Bates moved that requested Special Use Permit IS NOT in harmony with the general purpose and
47 intent of the Ordinance because they were contradicting themselves with parts a, b, and c.

1 Mr. Wood asked if it was in harmony with the general intent of the ordinance because that was the
2 question.

3
4 Mr. Randol said he was right on that. He said we are following what the ordinance guidelines are on that
5 issue.

6
7 Mr. Bates withdrew his motion.

8
9 **5. The requested Special Use IS NOT an existing nonconforming use.**

10
11 **6. Regarding necessary waivers of standard conditions:**

12
13 Per Section 7.15 of the Champaign County ZBA Bylaws, “waivers may be approved individually
14 or *en masse* by the affirmative vote of a majority of those members voting on the issue, and shall be
15 incorporated into the Findings of Fact with the reason for granting each waiver described.”

16
17 **A. Regarding Part A of the proposed waivers, for a distance of 0 feet between a PV Solar
18 Farm and a municipal boundary in lieu of the minimum required one-half mile (2,640
19 feet):**

20 **(1) The waiver {IS/ IS NOT} in accordance with the general purpose and intent of
21 the Zoning Ordinance and {WILL/ WILL NOT} be injurious to the
22 neighborhood or to the public health, safety, and welfare because:**

23
24 Mr. Wood said the waiver IS in accordance with the general purpose and intent of the Zoning Ordinance
25 and WILL NOT be injurious to the neighborhood because public meetings have been held with the Village
26 of Homer and the issues they raised have all been addressed, perhaps not to their liking but they have been
27 addressed.

28
29 Mr. Bates said the waiver IS NOT in accordance with the general purpose and intent of the Zoning
30 Ordinance and WILL NOT be injurious to the neighborhood because there have been public hearings, but
31 the issue is not resolved.

32
33 Mr. Bates moved that the waiver IS NOT in accordance with the general purpose and intent of the Zoning
34 Ordinance and WILL be injurious to the neighborhood or to the public health, safely, and welfare.

35
36 Mr. Herbert asked what that would look like with IS in accordance because it IS in accordance with the
37 general purpose of the Zoning Ordinance, but it WILL be injurious to the neighborhood.

38
39 Mr. Randol said he did not think it was injurious to the neighborhood just because nothing proposed was
40 going to harm anybody. He said they did not like the fact that it was in their back yard, but it was not
41 going to harm anybody.

42
43 Mr. Hall said injurious there is broader than just physical harm because it talks about welfare. He said
44 clearly we have had comments that the proposed project is too close for the village welfare. He said they
45 can agree or disagree but that is what the comments are. He said injurious is a broad term.

46
47 Mr. Elwell asked Mr. Hall if they could have the waiver be in accordance with the purpose of the ordinance
48 but have the answer being it will be injurious to the neighborhood.

49

1 Mr. Hall said the whole point of the Zoning Ordinance is to prevent injury to the neighborhood, so no.

2
3 Mr. Herbert asked if the Special Use Permit was required because the project was located within a half
4 mile of the village.

5
6 Mr. Hall said the Zoning Ordinance requires a half mile separation unless there is a waiver, in fact that
7 was the subject of this finding. He said if the waiver was going to be injurious to the Zoning District, then
8 it could not be in accordance with the general purpose and intent of the ordinance.

9
10 **Mr. Bates moved, seconded by Mr. Herbert, that the waiver IS NOT in accordance with the general**
11 **purpose and intent of the Zoning Ordinance and WILL be injurious to the neighborhood or to the**
12 **public health, safely, and welfare.**

13
14 The vote was called as follows:

15	Randol- Yes	Roberts- No	Anderson- No	Herbert- Yes
16	Elwell- Yes	Wood- No	Bates- Yes	

17
18 **The motion carried by roll call vote.**

19
20 **(2) Special conditions and circumstances {DO / DO NOT} exist which are peculiar**
21 **to the land or structure involved, which are not applicable to other similarly**
22 **situated land and structures elsewhere in the same district because:**

23
24 Mr. Bates said special conditions and circumstances DO exist which are peculiar to the land or structure
25 involved because on January 26, 2023, Village of Homer Resolution 2023 – R-2 opposing the solar farm
26 project was received and at ZBA meetings, testimony touched on concerns about noise, visual blight, the
27 possibility of increasing setbacks to residential neighbors, property values, vegetation management,
28 decommissioning plan, screening, power pole locations, and protection of drainage tile.

29
30 **(3) Practical difficulties or hardships created by carrying out the strict letter of**
31 **the regulations sought to be varied {WILL / WILL NOT} prevent reasonable or**
32 **otherwise permitted use of the land or structure or construction because:**

33
34 Mr. Randol said practical difficulties or hardships WILL prevent reasonable or otherwise permitted use
35 of the land or structure because without Part A of the proposed waivers, the applicant would have to
36 consider a different configuration for the PV SOLAR FARM only on the eastern 197-acre subject
37 property.

38
39 Mr. Wood asked if he could add something to number 3.

40
41 Mr. Elwell said yes.

42
43 Mr. Wood said without the waiver, the applicant was going to come back and have no restrictions at all.
44 He said they will not have to move to the eastern side of the property. He said they could put it right up
45 there on County Road 1100. He said he just wanted to make sure that everyone was aware and that they
46 don't want to go down that slippery slope.

47
48 Mr. Elwell asked if they could also add under the new State law, House Bill 4412.

49

1 Mr. Wood said the restrictions would be limited to the State law.

2
3 Mr. Hall said under the State law, they could go right up to County Road 1100, right up to the village.

4
5 Mr. Wood said correct, the restrictions would be minimal compared to what they had today.

6
7 **(4) The special conditions, circumstances, hardships, or practical difficulties {DO**
8 **/ DO NOT} result from actions of the applicant because:**

9
10 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO result from
11 actions of the applicant because the petitioners have held public meetings both at the Village of Homer
12 and with the ZBA and the solar array could be moved to a different location farther away from the Village
13 of Homer.

14
15 **(5) The requested waiver {SUBJECT TO THE PROPOSED SPECIAL**
16 **CONDITION} {IS / IS NOT} the minimum variation that will make possible**
17 **the reasonable use of the land/structure because:**

18
19 Mr. Randol said the requested waiver IS NOT the minimum variation because the solar array can be
20 moved farther away from the Village boundaries.

21
22 **B. Regarding Part B of the proposed waivers, for not providing a Decommissioning and**
23 **Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed**
24 **Professional Engineer prior to consideration of the Special Use Permit by the Board:**

25
26 **(1) The waiver {IS/ IS NOT} in accordance with the general purpose and intent of**
27 **the Zoning Ordinance and {WILL/ WILL NOT} be injurious to the**
28 **neighborhood or to the public health, safety, and welfare because:**

29
30 Mr. Wood said with respect to the Decommissioning and Site Reclamation Plan the waiver IS in
31 accordance with the general purpose of the Zoning Ordinance and WILL NOT be injurious to the
32 neighborhood because the petitioner will still need to provide this document prior to receiving a Zoning
33 Use Permit.

34
35 **(2) Special conditions and circumstances {DO / DO NOT} exist which are peculiar**
36 **to the land or structure involved, which are not applicable to other similarly**
37 **situated land and structures elsewhere in the same district because:**

38
39 Mr. Randol said special conditions and circumstances DO exist which are peculiar to the land or structures
40 involved because cost estimates for the DSRP are unique to each solar project.

41
42 **(3) Practical difficulties or hardships created by carrying out the strict letter of**
43 **the regulations sought to be varied {WILL / WILL NOT} prevent reasonable or**
44 **otherwise permitted use of the land or structure or construction because:**

45
46 Mr. Wood said practical difficulties or hardships created by carrying out the strict letter of the regulations
47 sought to be varied WILL prevent reasonable or otherwise permitted use of the land because the Special
48 Use Permit process might have to be extended in order to have sufficient time to prepare these documents,
49 and they might lack the accuracy that can only be secured in the construction permitting phase.

- 1 **(4) The special conditions, circumstances, hardships, or practical difficulties {DO**
 2 **/ DO NOT} result from actions of the applicant because:**

3
 4 Mr. Wood said special conditions, circumstances, hardships, or practical difficulties DO NOT result from
 5 the actions of the applicant because some details such as cost estimates are not available until closer to
 6 construction.

- 7
 8 **(5) The requested waiver {SUBJECT TO THE PROPOSED SPECIAL**
 9 **CONDITION} {IS / IS NOT} the minimum variation that will make possible**
 10 **the reasonable use of the land/structure.**

11
 12 Mr. Wood said the requested waiver IS the minimum variation that will make possible the reasonable use
 13 of the land/structure.

- 14
 15 **C. Regarding Part C of the proposed waivers, for not entering into a Roadway Upgrade**
 16 **and Maintenance Agreement or waiver therefrom with the relevant local highway**
 17 **authority prior to consideration of the Special Use Permit by the Board:**

- 18
 19 **(1) The waiver {IS/ IS NOT} in accordance with the general purpose and intent of**
 20 **the Zoning Ordinance and {WILL/ WILL NOT} be injurious to the**
 21 **neighborhood or to the public health, safety, and welfare because:**

22
 23 Mr. Randol said the waiver IS in accordance and WILL NOT be injurious to the neighborhood because
 24 the petitioner will still need to provide this documentation prior to receiving a Zoning Use Permit.

- 25
 26 **(2) Special conditions and circumstances {DO / DO NOT} exist which are peculiar**
 27 **to the land or structure involved, which are not applicable to other similarly**
 28 **situated land and structures elsewhere in the same district because:**

29
 30 Mr. Randol said special conditions and circumstances DO exist because the petitioner is working with the
 31 Village of Homer on either a waiver or a Roadway Upgrade and Maintenance Agreement, and a special
 32 condition has been added requiring the applicant to submit a Roadway Upgrade and Maintenance
 33 Agreement or waiver therefrom and approved by ELUC at the time of application for a Zoning Use Permit
 34 from the Village of Homer.

- 35
 36 **(3) Practical difficulties or hardships created by carrying out the strict letter of**
 37 **the regulations sought to be varied {WILL / WILL NOT} prevent reasonable or**
 38 **otherwise permitted use of the land or structure or construction because:**

39
 40 Mr. Wood said practical difficulties or hardships created by carrying out the strict letter of the regulations
 41 sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or
 42 construction because the Special Use Permit process might have to be extended in order to have sufficient
 43 time to prepare these documents, and they might lack the accuracy that can only be secured in the
 44 construction permitting phase.

- 45
 46 **(5) The special conditions, circumstances, hardships, or practical difficulties {DO**
 47 **/ DO NOT} result from actions of the applicant because:**

1 Mr. Randol said special conditions, circumstances, hardships, or practical difficulties DO result from
2 actions of the applicant because the petitioner is working with the Village of Homer to receive either an
3 agreement or a waiver from the Village.
4

5 Mr. Hall said if they are working with the Village of Homer then they DO NOT result from the actions of
6 the applicant because they are working with the Village of Homer.
7

8 Mr. Randol said Mr. Hall was correct.
9

10 Mr. Wood said that was what they said in 2.a.
11

- 12 (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL**
13 **CONDITION} {IS / IS NOT}** the minimum variation that will make possible
14 the reasonable use of the land/structure.
15

16 Mr. Elwell entertained a motion to adopt part D *en masse*.
17

18 **Mr. Wood moved, seconded by Mr. Bates, to adopt part D *en masse*. The motion carried by voice**
19 **vote.**
20

21 **D. Regarding Part D of the proposed waivers, for not completing consultation with the**
22 **State Historic Preservation Officer of the Illinois Department of Natural Resources**
23 **prior to consideration of the Special Use Permit by the Board:**

- 24 (1) The waiver **{IS/ IS NOT}** in accordance with the general purpose and intent of
25 the Zoning Ordinance and **{WILL/ WILL NOT}** be injurious to the
26 neighborhood or to the public health, safety, and welfare because:
27

28 a special condition has been added that the petitioner must submit this information
29 as part of their Zoning Use Permit application.
30

- 31 (2) Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar
32 to the land or structure involved, which are not applicable to other similarly
33 situated land and structures elsewhere in the same district because:
34

35 the State Historic Preservation Office is experiencing a backlog.
36

- 37 (3) Practical difficulties or hardships created by carrying out the strict letter of
38 the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or
39 otherwise permitted use of the land or structure or construction because:
40

41 without the waiver, the Special Use Permit process would have to be extended until
42 the State Historic Preservation Office overcomes its backlog.
43

- 44 (4) The special conditions, circumstances, hardships, or practical difficulties **{DO**
45 **/ DO NOT}** result from actions of the applicant because:
46

47 the State Historic Preservation Office is experiencing a backlog.
48

1 (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL*
2 *CONDITION} {IS / IS NOT}* the minimum variation that will make possible
3 the reasonable use of the land/structure.
4

5 7. **SPECIAL CONDITIONS ARE IMPOSED HEREIN AND ARE REQUIRED TO ENSURE**
6 **COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE**
7 **PARTICULAR PURPOSES DESCRIBED**
8

9 Mr. Elwell said he had a question for Mr. Hall. He asked if it was possible to pass it on to the County
10 Board with a negative finding.

11
12 Mr. Hall said that was correct.

13
14 Mr. Elwell asked Mr. Hall to walk him through, "I don't like this, but I don't like the State more." He said
15 he was seeing it as the lesser of the two evils.

16
17 Mr. Hall paused.

18
19 Mr. Randol said he was back tracking.

20
21 Mr. Hall said yes, exactly, thank you Mr. Randol.

22
23 Mr. Randol said it still goes to the County Board whenever the ZBA has a negative finding like this. He
24 said the County Board will have their discussion and vote on it, so positive or negative does not mean they
25 will agree with us.

26
27 Mr. Elwell asked if they could have a positive with a negative finding.

28
29 Mr. Hall said that was not allowed by the Zoning Ordinance. He said if the Board did not have a negative
30 finding then there was nothing in the by-laws that prohibits the Board from taking up the negative findings
31 again if there was a motion to do that. He said what they cannot do is end up with a Final Determination
32 that the Board doesn't like and then have a rehash of that. He said once the Board voted on a Final
33 Determination, that is it.

34
35 Mr. Elwell said again that he did not like this but did not like the State more. He asked the Board how he
36 should vote.

37
38 Mr. Bates said he felt Mr. Elwell's feelings were being echoed here. He said he felt it was their job to
39 listen to the Village of Homer and their understanding that we could vote this down and it could be worse
40 for the Village of Homer.

41
42 Mr. Elwell said that was his exact fear.

43
44 Mr. Bates said he thinks that was where Mr. Wood was at with this as well. He said he was not in a
45 comfortable position to vote either way to be honest, and as Mr. Hall said earlier, the Board has to vote.

46
47 Mr. Hall said it might be some comfort to Mr. Bates or it might not, but the last round of solar farms that
48 this Board worked on literally tore the Board apart. He said the County Board did override some of their
49 recommendations. He said it was painful to watch the Zoning Board go through this process. He said this

1 was not the first time and it will not be the last, and it will be even more difficult in the future.

2
3 Mr. Randol said we do not have to agree with each other just because we are all sitting on this Board. He
4 said that was the democratic procedure. He agreed it was tough because they work closely together to sit
5 here and disagree with one another. He said everyone is entitled to their opinion and that does not make
6 you right or wrong as an individual. He said and ultimately the County Board was going to read what they
7 had and make their own determination anyhow.

8
9 Mr. Bates said he felt that was a fair point, especially to the audience. He clarified again that the ZBA was
10 just making a recommendation and not the final decision.

11
12 Mr. Randol said the other uncomfortable part of this is he felt Ms. Gavin has worked diligently to be
13 agreeable with everything they tried to do, but the ultimate thing is not because of her. He said it was just
14 the fact that there was a disagreement on where things should be located. She said the company that she
15 works for has the policy that tells her what she needs to follow.

16
17 Mr. Elwell agreed with Mr. Randol and appreciated all the work Ms. Gavin has done. He said he finds
18 himself wanting to vote yes on this case because he did not feel it was in the best interest of Homer to
19 have House Bill 4412. He said they cannot push this along if there is a negative Finding of Fact. He said
20 this is the lesser of two evils.

21
22 Mr. Wood asked if item 2 was the only one they had a disagreement on.

23
24 Mr. Hall said 2 was the only one with a negative finding but they also have a negative finding in part A
25 waiver and to approve it with all the waivers, the waivers have to be affirmative also. Mr. Hall said the
26 overall finding is all you must reconsider for item 2. He said it was fine that the sub-findings were mixed.

27
28 Mr. Randol said they must have a roll call vote, but that does not mean we have to go back and redo
29 everything.

30
31 Mr. Elwell said we cannot have a yes with any finding containing a negative according to Mr. Hall.

32
33 Mr. Hall said the vote for the overall on number 2 was five supporting a negative finding and two against
34 a negative finding. He said based on what Mr. Elwell has said it looks like that will change to 4 and 3, but
35 it will still be a negative finding. He said unless someone else was willing to reconsider. He said by looking
36 at how the votes go, it looks like the recommendation of denial could go 4 to 3 which would be a valid
37 recommendation they could forward to the County Board.

38
39 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the
40 Findings of Fact as amended.

41
42 **Mr. Randol moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of**
43 **Record, and the Findings of Fact as amended.**

44
45 The vote was called as follows:
46 **Randol- Yes Roberts- No Anderson- No Herbert- Yes**
47 **Elwell- No Wood- No Bates- Yes**

48
49 **The motion failed by roll call vote.**

1 Mr. Wood said now we are back to the Findings of Fact and whether to take up number 2 and part A
2 waiver again and decide on if they need to be changed.

3
4 **Mr. Wood moved, seconded by Mr. Roberts, that the requested Special Use Permit is so designed,
5 located, and proposed to be operated so that it WILL NOT be injurious to the district in which it
6 shall be located or otherwise detrimental to the public health, safety, and welfare because:**

7
8 The vote was called as follows:

9	Randol- No	Roberts- Yes	Anderson- Yes	Herbert- No
10	Elwell- Yes	Wood- Yes	Bates- No	

11
12 **The motion carried by roll call vote.**

13
14 Mr. Elwell asked if that was the only one they needed to reconsider.

15
16 Mr. Hall said waiver A because it was negative right now. He said in order to change waiver A, the Board
17 needs to reconsider parts one, four, and five.

18
19 Mr. Elwell asked if the Board would like to vote on them individually or *en masse*.

20
21 Mr. Anderson requested a break.

22
23 **Mr. Anderson moved, seconded by Mr. Roberts, to take a five-minute break. The motion carried
24 by voice vote.**

25
26 Mr. Elwell asked the Board Members what their thoughts were on one, four, and five of part A waiver.
27 He asked if they should take them one at a time.

28
29 Mr. Bates said yes.

30
31 Mr. Herbert said taking them individually will just make more bickering and arguing at five minutes a
32 piece to just turn around and go right back to it.

33
34 Mr. Elwell said they would vote for the adoption at that point. He said that was all that they could do.

35
36 **Mr. Wood moved, seconded by Mr. Roberts, that the waiver IS in accordance with the general
37 purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or
38 to the public health, safely, and welfare.**

39
40 The vote was called as follows:

41	Randol- No	Roberts- Yes	Anderson- Yes	Herbert- No
42	Elwell- No	Wood- Yes	Bates- No	

43
44 **The motion failed by roll call vote.**

45
46 Mr. Elwell read number four.

47
48 Mr. Wood said there was not any sense in going any further.

49

1 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
2 of Fact as amended.

3
4 Mr. Bates asked Mr. Hall how to proceed when there is no foreseeable outcome.

5
6 Mr. Elwell said they will adopt this and send it to the County Board as a recommendation of denial.

7
8 **Mr. Randol moved, seconded by Mr. Bates to adopt the Summary of Evidence, Documents of
9 Record, and Findings of Fact as amended.**

10
11 The vote was called as follows:

12	Randol- Yes	Roberts- Yes	Anderson- Yes	Herbert- Yes
13	Elwell- Yes	Wood- Yes	Bates- Yes	

14
15 **The motion carried by roll call vote.**

16
17 Mr. Elwell entertained a motion to move to Final Determination for Case 074-S-22.

18
19 **Mr. Randol moved, seconded by Mr. Herbert, to move to Final Determination for Case 074-S-22.
20 The motion carried by voice vote.**

21
22 Mr. Elwell informed the petitioner that he was going to be reading page 58 of 61 of Attachment B.

23
24 **FINAL DETERMINATION FOR CASE 074-S-22**

25 **Mr. Randol moved, seconded by Mr. Bates, that the Champaign County Zoning Board of Appeals
26 finds that, based upon the application, testimony, and other evidence received in this case, that the
27 requirements for approval of Section 9.1.11B. *HAVE NOT* been met, and pursuant to the authority
28 granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, recommends that:**

29
30 **The Special Use requested in Case 074-S-22 is hereby *DENIED* to the applicant, Medanos
31 Solar LLC, to authorize the following as a Special Use on land in the AG-1 and AG-2
32 Agriculture Zoning Districts:**

33
34 **Authorize a Community PV Solar Farm with a total nameplate capacity of 5
35 megawatts (MW), including access roads and wiring.**

36
37 The vote was called as follows:

38	Randol- Yes	Roberts- No	Anderson- No	Herbert- Yes
39	Elwell- Yes	Wood- No	Bates- Yes	

40
41 **The motion carried by roll call vote.**

42
43 Ms. Gavin thanked the Board for their time.

44
45 Mr. Wood informed Mr. Elwell that it looked like the Board was going to need to extend their meeting.

46
47 Mr. Elwell asked if he had a motion.

48
49 Mr. Wood said he did not know how long to extend the meeting for. He asked if they had to be specific.

1 Mr. Elwell said yes.

2
3 **Mr. Wood moved, seconded by Mr. Randol, to extend the public hearing to 10:00PM. The motion**
4 **carried by voice vote.**

5
6 **Case 035-AM-21**

7 Petitioner: **Jeffrey Jenkins d.b.a. Walnut Grove MHP**

8
9 Request: **Amend the Zoning Map to change the zoning district designation from the AG-1**
10 **Agriculture Zoning District to the R-5 Manufactured Home Park Zoning District in**
11 **order to operate the proposed Special Use with waivers in related Zoning Case 036-**
12 **S-21.**

13
14 Location: **A 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10,**
15 **Township 20 North, Range 9 East of the Third Principal Meridian in Somer**
16 **Township and commonly known as Walnut Grove MHC with an address of 1513 CR**
17 **2300N, Urbana.**

18
19 **Case 036-S-21**

20 Petitioner: **Jeffrey Jenkins d.b.a. Walnut Grove MHP**

21
22 Request: **Authorize the expansion and use of an existing nonconforming manufactured home**
23 **park with 12 existing plus 8 proposed manufactured home sites in the R-5**
24 **Manufactured Home Park Zoning District, contingent upon the rezoning of the**
25 **subject property in related case 035-AM-21 and including the waivers of standard**
26 **conditions as listed on the legal advertisement (other waivers may be necessary).**

27
28 Location: **A 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10,**
29 **Township 20 North, Range 9 East of the Third Principal Meridian in Somer**
30 **Township and commonly known as Walnut Grove MHC with an address of 1513 CR**
31 **2300N, Urbana.**

32
33 **Case 041-V-22**

34 Petitioner: **Jeffrey Jenkins d.b.a. Walnut Grove MHP**

35
36 Request: **Authorize a variance for a 9.68-acre lot in lieu of the maximum allowed 3 acres in**
37 **area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning**
38 **District, per Section 5.3 of the Champaign County Zoning Ordinance.**

39
40 Location: **A 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10,**
41 **Township 20 North, Range 9 East of the Third Principal Meridian in Somer**
42 **Township and commonly known as Walnut Grove MHC with an address of 1513 CR**
43 **2300N, Urbana.**

44
45 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
46 the witness register for that public hearing. He reminded the audience that when they sign the witness
47 register, they are signing an oath.

48
49 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows

1 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
2 show of hands from those who would like to cross-examine, and each person will be called upon. He said
3 that those who desire to cross-examine do not have to sign the Witness Register but will be asked to clearly
4 state their name before asking any questions. He noted that no new testimony is to be given during the
5 cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
6 exempt from cross-examination. He asked if the petitioner would like to outline the nature of their request
7 prior to introducing evidence.
8

9 Mr. Jeffrey Jenkins, 13426 Maverick Rd, Marion, Illinois, said as they concluded the February 16th
10 meeting, they had four items that they were focusing on. He said the front page of the blue memo noted
11 all four items down at the bottom. He said the first item was the Illinois licensed professional for the septic
12 system. He said he trusted everyone received a copy of that. He said they would notice on the Bacon
13 Farmer and Workman sheet that they went through all the tremendous engineer data, and then on the back
14 it says “plant sufficient with no redundancy. He said line item 2, Farnsworth map, existing, proposed, and
15 then went on to electrical, water, and septic. He said there were four prints that were folded behind the
16 blue sheet in the packet. He said the first page was the master plan from Farnsworth. He said they should
17 note that to the far right the road has been cleaned up. She said they had put in the old road, but it just
18 looked all cluttered up, so they cleaned it up and they put in 10 x 20-foot parking spaces, two per home.
19 He said they could see a one-foot space to the east property line, a twenty-foot road, a ten-foot parking
20 space, and six feet to the front of the home. He said that was cleaned all the way down and the sidewalks
21 were extended to those parking spaces. He said item four discusses the IDOT specifications which they
22 have talked about before regarding the oil and chips. He said they would notice that the drawing
23 accentuates proposed oil and chips at the extension road, and additionally down the east road. He asked
24 Ms. Burgstrom if the Board had Brad Barr’s letter.
25

26 Ms. Burgstrom told the Board that the letter he was referring to was distributed at the last meeting where
27 it says what the petitioners’ capabilities were regarding the IDOT specifications.
28

29 Mr. Jenkins said Brad is Illiana Construction, Co and he did all the work up in his county. He said Brad
30 proposed to do all these roads. He said they also described in detail during the last meeting where he got
31 all his materials too. He said they were all certified for such a job. He said in item number 3, they talked
32 about a 9 x 20 allocation parking space, but of course they went 10 x 20 foot which will all be road packed
33 gravel that was solid all the way through. He said that should satisfy line-item number 3. He said they just
34 discussed line-item number four, and now they were back to line item two. He said now we’re back to
35 line item two which was the Farnsworth map that they just discussed. He said the second map under the
36 Farnsworth map had the electrical plan on it. He said he and Mr. Waters discussed it.
37

38 Mr. Elwell asked Mr. Jenkins to reference what attachment he was looking at.
39

40 Mr. Jenkins said page 2 of 4.
41

42 Mr. Elwell said he was sorry. He saw where it said electrical on the side of the map.
43

44 Mr. Jenkins said they would notice the signature of Mr. Waters and he stamped the original. He said he
45 could go over all of them if the Board wanted him to, but they could start at the far northeast corner of lot
46 15. He said they went under ground and put in, where they see the “e”, they put in a transformer. He said
47 it was a tower transformer which was a newer type, and that was what was going to be supplying the
48 power to those two-meter sockets that service lot 15 and 16. He said they would see home number 14 if
49 they continued south. He said it was just to the west of the future homes. He said there was a transformer

1 behind that road. He said there was a “t” and a triangle written there to indicate that. He said going off of
2 that feeds the electric meter socket to that home at lot 14. He said that same transformer goes underground
3 to lot 17. He said there were two proposed meter sockets, and it shows how they will propose service to
4 those two homes. He said that layout is identical to the layout for lot 15 and 16, so Mr. Waters basically
5 did a copy of the same type of pattern by putting the two-meter sockets between the two homes. He said
6 additionally, lot 19 and lot 20 are the same pattern as well and fed off that same transformer. He said also
7 off the line going to lots 19 and 20, they would see an “a” meaning Ameren. He said Ameren will feed
8 those meter sockets. He said it would be Mr. Waters to put those meter sockets in and they run underground
9 to the home to a disconnect where it loops up into the panel. He said that was the same for all four cases.
10 He said the building inspector for the Village of Rantoul also did plumbing and signed off on that under
11 where it said sewer. He said Farnsworth had to go back out to the property because the last plan the Board
12 saw showed the original entrance having a manhole right there. He said they missed that in the original
13 drawing, so it was put in there approximately and noted that. He said Farnsworth went out and now got
14 that measurement exact. He said that was the same situation for the manhole that was in the south-
15 southeast section of the property. He said connecting the dots from manhole to manhole made it really
16 simple. He said the 8-inch sewer line that ran along CR 2300N extended out toward lot 15 and 16. He said
17 the Board could see how that was configured in the drawing. He said there was also a sewer line that ran
18 off the back of lot 14 to the manhole. He said there were three ports on there because the original plan was
19 built for 120 homes. He said that was why they see the north sewer line extended beyond the original
20 property he bought. He said the southern manholes were the same and have an extension of about 60 to
21 70 feet on them also. He said it was all so obvious to him and he did not know what else he could explain,
22 but the Board could see where they both fed into the sand filtration system and how they Y off to the three
23 solid tanks. He said they should note where the three solid tanks are tied in was indicated by two dashed
24 lines with one solid line. He said tank number one is the solid line. He said the gray tank was connected
25 to the end of that which is what pumps into the sand filtration field. He said that was what they got the
26 report on from BFW as more than adequate.

27
28 Mr. Jenkins said the last blueprint under that was for water. He said there was a 3,600-gallon pressure tank
29 in the northwest corner. He said just north of the they would see the wellhouse. He said that was where
30 Mark Hays installed a seven horsepower well pump that feeds that 3,600-gallon pressure tank. He said
31 there was a 6-inch, schedule 80 water line that Y’s to head northeast. He said 6 inches was going north
32 and two inches was going south. He said the 6-inch line extended under lot 12, 11, and 13 where it was
33 tied in. He said the other direction south, there was a shut off next to lot 4 and that was how they found
34 all these. He said there was a shut off behind lot 7 also which extended to lot 10 into the yard where there
35 are two shutoffs. He said the second shut off shuts off underneath lots 9 and 10 and goes to a fire hydrant
36 in the circle turnaround. He said there was a shut off before lot 13 which was a 2-inch saddle.

37
38 Mr. Anderson asked what he meant by shut off.

39
40 Mr. Randol said to shut the main off.

41
42 Mr. Wood said to turn off the water.

43
44 Mr. Jenkins said yes, to shut the water main off. He said that 2-inch line then goes south and goes along
45 the edge of the road to another shut off between the proposed new road extension and lot 16. He said it
46 stopped right there and that was the water for the proposed four homes. He said the water runs toward the
47 back of the home and typically the water heaters were in the back, usually in a closet of some sort. He said
48 that was the reason why they were located towards the back. He said the sewer runs through the middle
49 of the home because of the building code regulations. He reviewed the four items on the list one more

1 time and said that was all he had to add at that time.
2
3 Mr. Elwell asked if there were any questions from the Board.
4
5 Mr. Wood asked if the septic system needed to be pumped periodically.
6
7 Mr. Jenkins said yes, every 5 years. He said it was pumped prior to his purchase on June 10th, 2019, so
8 almost four years. He said when they did the inspection it looked like it was ready for another pump. He
9 said solid tank one does need to be pumped out.
10
11 Mr. Elwell asked Ms. Burgstrom asked if these waivers were from the original case, or where did they
12 come from.
13
14 Ms. Burgstrom said yes they were. She said originally the waivers lettered A - O were a part of the original
15 case, and if the Board looked at tonight's supplemental memo No. 4, Attachment D they would see the
16 waivers that they were kind of able to cut down to. She said they were able to exclude some of the waivers
17 because of the information we have received over time.
18
19 Mr. Elwell asked if there were any more questions from the Board or Staff. He asked if anyone would like
20 to cross-examine this witness. Seeing no one, he asked if anyone would like to testify in this case.
21
22 Deanna Zehr, 1532 B CR 2300N, Urbana, Illinois, said she was not sure where they were at with any of
23 this. She said she was on the website today and did not receive the stuff that was just put in today. She
24 asked if the new things that the petitioner was proposing were going to be up to code. She said she
25 understood that some of the waivers were for the existing park, and she did not have a problem with that.
26 She also asked if the zoning was changing. She said she did not know where they were at at this point.
27
28 Mr. Elwell asked Mr. Hall to speak to her question regarding the building code.
29
30 Ms. Zehr said she had a specific question. She asked if the two homes that were installed illegally going
31 to be made correct.
32
33 Mr. Hall said something will have to be done with those trailers if these cases are not approved. He said
34 they would not necessarily have to be moved but they would have to be on proper zoning lots. He said
35 they could only have one trailer per lot if it was not a manufactured home park. He said he could guarantee
36 her something would happen if these cases were not approved. He said he did not know right now what
37 that will be except each trailer would have to be on its own lot. He said that was all he could say right
38 now.
39
40 Ms. Zehr said okay so if it were approved then the homes would stay where they were at.
41
42 Mr. Hall said yes if they get the necessary approvals from IDPH. He said the conditions that they had now
43 rely on IDPH to approve the septic and the water because while they were not able to get all the
44 documentation we wanted, ultimately it will be up to IDPH whether or not those aspects are approved. He
45 felt the county might be better off just leaving that to IDPH. He said if Mr. Jenkins gets that IDPH approval
46 then that's great he could move ahead. He said without it the approvals at the county don't matter.
47
48 Ms. Zehr asked if they had a timeframe on that.
49

1 Mr. Hall said it had to be within one year after approval. He said he did not know how fast IDPH works
2 but they will have to go faster there than they have gone here at the county.
3
4 Ms. Zehr said so if he gets this approved he would still have to get that other approval.
5
6 Mr. Hall said yes.
7
8 Ms. Zehr said okay.
9
10 Mr. Hall said and as far as electrical, they now had a licensed electrician that has given us a plan, and if
11 that satisfies the Board he felt that it would be adequate given the small number of homes involved. He
12 said that was up to the Board.
13
14 Ms. Zehr said and the sewer.
15
16 Mr. Hall said that was a part of IDPH.
17
18 Ms. Zehr said okay. She said she was just concerned that things have not been done correctly in the past,
19 and she did not have faith that it was going to be done correctly in the future.
20
21 Mr. Hall said she understood her skepticism.
22
23 Ms. Zehr said that was her concern, but more power to him if he was going to do it correctly.
24
25 Mr. Elwell asked if there were any questions from the Board or Staff. He asked if Ms. Zehr got all of her
26 questions answered.
27
28 Ms. Zehr said somewhat, she was still not understanding quite how this was all working.
29
30 Mr. Elwell asked if anyone would like to cross-examine this witness. Seeing no one, he thanked Ms. Zehr
31 for speaking and asked if anyone else would like to testify in this case. Seeing no one, he entertained a
32 motion to close the Witness Register.
33
34 **Mr. Bates moved, seconded by Mr. Randol, to close the Witness Register. The motion carried by**
35 **voice vote.**
36
37 Mr. Bates said it was 9:57 PM.
38
39 Mr. Elwell said yes, we have four minutes left. He said he did not think they were going to be able to get
40 this voted on in four minutes. He asked the Board if there was any taste to extend the meeting.
41
42 Mr. Randol said no. He said they already did and would not get this done in an hour.
43
44 Mr. Elwell said okay. He asked Mr. Hall when the next available meeting would be.
45
46 Mr. Hall said the next meeting would be March 30th, but in his view that was already a full meeting but
47 that was because it was the opening of the zoning case to deal with the new wind farm and solar farm
48 amendments. He said these cases have been here at the Board for a long time so if the Board wanted to
49 add those, his fear would be that working through the Findings for these three cases and the other case

1 that was already on there probably leaves no time for the wind farm and solar farm ordinance. He said
 2 they were under a deadline to get that in place, so frankly he did not know what to advise the Board to do.
 3 He referred the question to Ms. Burgstrom.

4
 5 Mr. Randol said the next available date he saw was April 13th.

6
 7 Mr. Herbert asked what the deadline was on the wind and solar farm amendment.

8
 9 **Mr. Bates moved, seconded by Mr. Herbert, to extend the meeting 3 extra minutes. The motion**
 10 **carried by voice vote.**

11
 12 Mr. Elwell said the meeting was extended to 10:03.

13
 14 Mr. Hall said the deadline was May 26th. He said the other thing that was on the agenda tonight was the
 15 proposed suspension of the by-laws so that the meetings on March 30, April 13, April 27th, May 11, and
 16 May 25th could all be reserved for that text amendment. He said he was anticipating a big turnout of the
 17 public. He said they were all going to want to have their say as they should have. He said they have already
 18 submitted the legal for that. He said he hated to say this but realistically the next available meeting would
 19 be April 13th.

20
 21 Mr. Elwell entertained a motion to move Cases 035-AM-21, 036-S-21, and 041-V-22 to April 13, 2023.

22
 23 Mr. Jenkins said the lady that came up here mentioned something about the unsightly part of the
 24 community. He said the problem was that the property they were talking about with the gardens and the
 25 grassy area for recreation has been farmed. He said it was farmed by Rick Wolken, the road commissioner,
 26 and now it was farmed by somebody else. He said they farmed on his property and over his mailboxes
 27 where there should be a buffer zone. He said where they farmed in the back was no longer in production
 28 and was going to be grass all around the property. He said that was not going to be unsightly. He said
 29 everyone in the community was going to be mowing their sections.

30
 31 Mr. Elwell said thank you. He asked if the 13th of April was going to be okay.

32
 33 Mr. Jenkins said Yes.

34
 35 **Mr. Bates moved, seconded by Mr. Randol, to move Cases 035-AM-21, 036-S-21, and 041-V-22 to**
 36 **April 13, 2023. The motion carried by voice vote.**

37
 38 **7. New Public Hearings**

39
 40 **Case 087-AM-23**

41 Petitioner: **Brian and Lana Krutsinger**

42
 43 Request: **Amend the Zoning Map to change the zoning district designation for approximately**
 44 **14 acres of the 30.37-acre subject property from the CR Conservation Recreation**
 45 **Zoning District to the AG-2 Agriculture Zoning District.**

46
 47 Location: **A 30.37-acre tract in the East Half of the Northeast Quarter of Section 10, Township**
 48 **18N, Range 10 East of the Third Principal Meridian in Sidney Township and**
 49 **commonly known as the Krutsinger residence located at 2197 CR 1100N, Sidney.**

Case 088-V-23

Petitioner: **Brian and Lana Krutsinger**

Request: **Amend the Zoning Map to change the zoning district designation for approximately 14 acres of the 30.37-acre subject property from the CR Conservation Recreation Zoning District to the AG-2 Agriculture Zoning District.**

Location: **A 30.37-acre tract in the East Half of the Northeast Quarter of Section 10, Township 18N, Range 10 East of the Third Principal Meridian in Sidney Township and commonly known as the Krutsinger residence located at 2197 CR 1100N, Sidney.**

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. He reminded the audience that when they sign the witness register, they are signing an oath.

Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a show of hands from those who would like to cross-examine, and each person will be called upon. He said that those who desire to cross-examine do not have to sign the Witness Register but will be asked to clearly state their name before asking any questions. He noted that no new testimony is to be given during the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-examination. He asked if the petitioner would like to outline the nature of their request prior to introducing evidence.

Mr. Brian Krutsinger, 2197 County Road 1100 North, Sidney, Illinois, said the reason they were doing this was to try and get some of the ground that is with the home out of the floodplain. He said they wanted to cut that out of there so it was marketable to somebody; they would not need to have flood insurance. He said their goal was to take the home out of the CR zoning designation to AG-2. He said they were not asking for anything to be done with the place, just asking for the Map Amendment. He asked Ms. Burgstrom if they speak about the correspondence from today, now.

Ms. Burgstrom informed the Board members about a copy of Thomas Mumm's email that was at their tables on arrival regarding this case.

Mr. Krutsinger addressed the letter. He said quote, "there are rumors floating around that the Krutsinger family has found a potential buyer for the property if the zoning can be changed." He said that was not true. He said he had no buyers at this time. He said they had several offers before and nothing has come to fruit yet. He said someone was very interested but did not want to spend the money needing to be spent to do what they wanted to do. He said it was noted in the email that he was having difficulty selling the property. He said not really, it was only on the market in August, and he had his first offer in October. He said he did not feel that would be classified as having trouble selling the property. He said they would like to make the lot more opportunistic for somebody to do something with it. He said that was pretty much it with the comments regarding the letter today. He said it is not sold; it is not pending a sale. He said they were not asking for anything more than the rezoning from CR to AG-2.

Mr. Elwell asked if there were any questions from the Board or Staff. He asked if anyone would like to cross-examine this witness. Seeing no one, he asked if anyone else would like to testify in this case. Seeing no one, he entertained a motion to close the Witness Register for Cases 087-AM-23 and 088-V-23.

1 **Mr. Randol moved, seconded by Mr. Roberts, to close the Witness Register for Cases 087-AM-23**
2 **and 088-V-23. The motion carried by voice vote.**

3
4 Mr. Wood said he had a question for Ms. Burgstrom. He asked if they were creating two lots out of one
5 with this change.

6
7 Ms. Burgstrom said yes. She said the ZBA was not creating the two lots. She said the two lots would have
8 to be approved by the Village of Sidney which has subdivision jurisdiction. She said they were looking
9 for the rezoning of one part of this lot, and a second lot would also be created that would stay in the CR
10 District.

11
12 Mr. Wood said so in effect two lots will be created at the time they pass this.

13
14 Ms. Burgstrom said yes.

15
16 Mr. Wood asked if the 3-acre rule applied.

17
18 Ms. Burgstrom said in this case it is not Best Prime Farmland.

19
20 Mr. Wood said okay.

21
22 Mr. Randol asked how the driveway came into play to get to the second lot.

23
24 Ms. Burgstrom said the variance case before the Board tonight is for that access drive to the second lot,
25 so the one that is the lot that is staying in CR is the one that needs that access drive that will not be as wide
26 as we would typically like; we're looking for 15 feet instead of 20 feet.

27
28 Mr. Randol said thank you. He misunderstood and thought the variance was applying to the original lot.

29
30 Ms. Burgstrom said no.

31
32 Mr. Randol said okay.

33
34 Mr. Wood asked if the reason for the 15 foot in lieu of the 20 foot was because of the existing building
35 and there is not more than 15 feet between the property line and the building.

36
37 Ms. Burgstrom said that was correct. She said it looks like there is more when you are on the ground over
38 there to that driveway, but in terms of actual property lines on the survey it is 15 feet in width.

39
40 Mr. Herbert asked if someone could have a conference center, reception hall, or wedding venue in AG-2.

41
42 Ms. Burgstrom said that someone would need to get a Special Use Permit to have that and that was not
43 what they were asking for tonight.

44
45 Mr. Elwell asked if a 15-foot side yard would need a variance as well.

46
47 Ms. Burgstrom said no it does not. She said the barn that is there is for agricultural use.

48
49 Mr. Wood said so basically, if someone wanted to build an event center there then it was already set up

1 for them to do that, other than getting the Special Use Permit just by making this change.

2
3 Ms. Burgstrom said yes.

4
5 Mr. Elwell asked if there were any more questions from the Board, or Staff. Seeing none, he informed the
6 petitioner that he was going to be reading from page 14 of 18 from Attachment L.

7
8 **PROPOSED SPECIAL CONDITION**

9
10 **The following special condition of approval is proposed for Case 087-AM-23:**

- 11
- 12 **A. The owners of the subject property hereby recognize and provide for the right of**
- 13 **agricultural activities to continue on adjacent land consistent with the Right to Farm**
- 14 **Resolution 3425.**

15

16 The above special condition is necessary to ensure the following:

17 **Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

18

19 Mr. Elwell asked if Mr. Krutsinger agreed.

20
21 Mr. Krutsinger said yes.

22
23 Mr. Wood said he had one more question. He asked if the lot that was going to be in the floodplain was
24 going to have any use. He asked if it was buildable at all.

25
26 Mr. Krutsinger said it was only partially in the floodplain.

27
28 Ms. Burgstrom said there was a small amount of it that was in the floodplain. She said it would be
29 considered buildable if there was approved access to the road. She said if the Board did not approve the
30 access to the road then it is a non-buildable lot because it would not have access to a public road.

31
32 Mr. Elwell entertained a motion to move to Findings of Fact for Case 087-AM-23.

33
34 **Mr. Randol moved, seconded by Mr. Bates, to move to the Findings of Fact for Case 087-AM-23.**
35 **The motion carried by voice vote.**

36
37 Mr. Elwell informed the petitioner that he was going to be reading from 16 of 18 from Attachment L,
38 Summary Finding of Fact for Case 087-AM-23.

39
40 **FINDINGS OF FACT FOR CASE 087-AM-23**

41 From the documents of record and the testimony and exhibits received at the public hearing conducted on
42 **March 16, 2023**, the Zoning Board of Appeals of Champaign County finds that:

- 43
- 44 **1. The proposed Zoning Ordinance map amendment will *HELP ACHIEVE* the Land Resource**
- 45 **Management Plan because:**
 - 46 **A. Regarding Goal 3:**
 - 47 **(1) Although the proposed rezoning is *NOT DIRECTLY RELEVANT* to any of the**
 - 48 **Goal 3 objectives, the proposed rezoning will allow potential buyers to utilize**
 - 49 **the property somewhat more intensively.**

- 1 (2) Based on achievement of the above and because it will either not impede or is
 2 not relevant to the other Objectives and Policies under this goal, the proposed
 3 map amendment will *HELP ACHIEVE* Goal 3 Prosperity.
 4
- 5 **B. Regarding Goal 8:**
 6 (1) The proposed amendment will *HELP ACHIEVE* Goal 8 because it will *HELP*
 7 *ACHIEVE* the following:
 8 a. Policy 8.4.3 requiring the implementation of agricultural practices and
 9 land management that promote good drainage while maximizing
 10 stormwater infiltration and aquifer recharge (see Item 17.A.(1)).
 11
- 12 **C. The proposed amendment will *NOT IMPEDE* the following LRMP goal(s):**
 13 • Goal 1 Planning and Public Involvement
 14 • Goal 2 Governmental Coordination
 15 • Goal 4 Agriculture
 16 • Goal 5 Urban Land Use
 17 • Goal 6 Public Health and Safety
 18 • Goal 7 Transportation
 19 • Goal 9 Energy Conservation
 20 • Goal 10 Cultural Amenities
 21
- 22 **D. Overall, the proposed map amendment will *HELP ACHIEVE* the Land Resource
 23 Management Plan.**
 24
- 25 **2. The proposed Zoning Ordinance map amendment *IS* consistent with the *LaSalle* and *Sinclair*
 26 factors because of the following:**
 27 **A. It is impossible to establish values without a formal real estate appraisal, which has
 28 not been requested nor provided, and so any discussion of values is necessarily
 29 general.**
 30
- 31 **B. In regards to the value of nearby residential properties, the requested map
 32 amendment should not have any effect. Regarding the effect on nearby properties:**
 33 (1) The rezoning will be to an agricultural zoning district, and therefore is not
 34 expected to affect the value of nearby properties.
 35
- 36 **C. The gain to the public of the proposed rezoning could be positive because the
 37 proposed amendment would allow more development opportunities for interested
 38 buyers of the subject property.**
 39
- 40 **D. The ZBA has recommended that the proposed rezoning will *HELP ACHIEVE* the
 41 Champaign County Land Resource Management Plan.**
 42
- 43 **E. Overall, the proposed map amendment *IS* consistent with the *LaSalle* and *Sinclair*
 44 factors.**
 45
- 46 **3. The proposed Zoning Ordinance map amendment {WILL / HELP ACHIEVE the purpose
 47 of the Zoning Ordinance because:**

- 1 A. The proposed rezoning *WILL* lessen and avoid hazards to persons and damage to
- 2 property resulting from the accumulation of runoff of storm or flood waters (Purpose
- 3 2.0 (d) Item 21.D.).
- 4
- 5 B. The proposed rezoning *WILL* promote the public health, safety, comfort, morals, and
- 6 general welfare (Purpose 2.0 E. Item 21.E.)
- 7
- 8 C. Establishing the AG-2 District at this location will maintain the rural character of the
- 9 site (Purpose 2.0 (q) Item 21.L).
- 10
- 11 D. The proposed rezoning will not hinder the development of renewable energy sources
- 12 (Purpose 2.0(r) Item 21.M).
- 13

14 **Mr. Randol moved, seconded by Mr. Wood, that the proposed Zoning Ordinance map amendment**

15 **WILL help achieve the purpose of the Zoning Ordinance. The motion carried by voice vote.**

16

17 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Finding

18 of Fact as amended.

19

20 **Mr. Randol moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of**

21 **Record, and Finding of Fact as amended for Case 087-AM-23. The motion carried by voice vote.**

22

23 Mr. Elwell entertained a motion to move to Final Determination for Case 087-AM-23.

24

25 **Mr. Randol moved, seconded by Mr. Roberts, to move to Final Determination for Case 087-AM-23.**

26 **The motion carried by voice vote.**

27

28 Mr. Elwell informed the petitioner that he was going to be reading from page 18 of 18 from Attachment

29 L, Final Determination for Case 087-AM-23.

30

31 **FINAL DETERMINATION FOR CASE 087-AM-23**

32 **Mr. Randol moved, seconded by Mr. Wood, that pursuant to the authority granted by Section 9.2**

33 **of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**

34 **recommends that:**

35

36 **The Zoning Ordinance Amendment requested in Case 087-AM-23 should *BE ENACTED* by**

37 **the County Board in the form attached hereto.**

38

39 Mr. Elwell requested a roll call vote.

40

41 The vote was called as follows:

42 **Randol- Yes Roberts- Yes Anderson- Yes Herbert- Yes**

43 **Elwell- Yes Wood- Yes Bates- Yes**

44

45 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 088-V-23.

46

47 **Mr. Randol moved, seconded by Mr. Bates, to move to the Findings of Fact for Case 088-V-23. The**

1 Mr. Elwell informed the petitioner that he was going to be reading from page 9 of 10 from Attachment M,
2 Findings of Fact.

3
4 **FINDINGS OF FACT FOR CASE 088-V-23**

5 From the documents of record and the testimony and exhibits received at the public hearing for zoning
6 case **088-V-23** held on **March 16, 2023**, the Zoning Board of Appeals of Champaign County finds that:

7
8 **1. Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the land or**
9 **structure involved, which are not applicable to other similarly situated land and structures**
10 **elsewhere in the same district because:**

11
12 Mr. Wood said special conditions and circumstances DO exist because there is an existing barn and a dam
13 structure on the subject property that prevent the access drive from being wider than 15 feet.

14
15 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
16 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
17 **the land or structure or construction because:**

18
19 Mr. Randol said practical difficulties or hardships created by carrying out the strict letter of the regulations
20 sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure because
21 without the proposed variance, the petitioners would be unable to divide the property into two good zoning
22 lots.

23
24 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**
25 **result from actions of the applicant because:**

26
27 Mr. Herbert said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
28 from actions of the applicant because as statement previously, there is an existing barn and a dam structure
29 that limit the width of the access to the proposed lot.

30
31 **4. The requested variance {IS / IS NOT} in harmony with the general purpose and intent of the**
32 **Ordinance because:**

33
34 Mr. Bates said the requested variance IS in harmony with the general purpose and intent of the Ordinance
35 because the petitioners are in the process of dividing off the portion of the property that is in floodplain
36 so that area can stay in the CR Recreation Zoning District and therefore be better protected from possible
37 development, and the existing 15-foot-wide access drive is for the lot remaining in the CR district.

38
39 **5. The requested variance {WILL / WILL NOT} be injurious to the neighborhood or otherwise**
40 **detrimental to the public health, safety, or welfare because:**

41
42 Mr. Herbert said the requested variance WILL NOT be injurious to the neighborhood or otherwise
43 detrimental because relevant jurisdictions have been notified, and no comments have been received.

44
45 **6. The requested variance {IS / IS NOT} the minimum variation that will make possible the**
46 **reasonable use of the land/structure because:**

47
48 Mr. Wood said the requested variance IS the minimum variation because as stated already, there is an
49 existing barn and a dam structure restrict that drive to be no wider than 15 feet.

1 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**

2
3 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Finding
4 of Fact as amended for Case 088-V-23.

5
6 **Mr. Roberts moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of**
7 **Record, and Finding of Fact as amended for Case 088-V-23. The motion carried by voice vote.**

8
9 Mr. Elwell entertained a motion to move to Final Determination for Case 088-V-23.

10
11 **Mr. Bates moved, seconded by Mr. Wood, to move to Final Determination for Case 088-V-23. The**
12 **motion carried by voice vote.**

13
14 Mr. Elwell informed the petitioner that he was going to be reading from page 10 of 10 from Attachment
15 M, Final Determination for Case 088-V-23.

16
17 **FINAL DETERMINATION FOR CASE 088-V-23**

18 **Mr. Wood moved, seconded by Mr. Randol, that the Champaign County Zoning Board of Appeals**
19 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
20 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority**
21 **granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of**
22 **Appeals of Champaign County determines that:**

23
24 **The Variance requested in Case 088-V-23 is hereby GRANTED to the petitioners, Brian and Lana**
25 **Krutsinger, to authorize the following in the CR Conservation Recreation Zoning District:**

26
27 **Authorize a variance for a proposed lot with an access width of 15 feet in lieu of the minimum**
28 **required 20 feet per Section 4.2.1 H., and with access passable to emergency vehicles of 15**
29 **feet in width in lieu of the minimum required 20 feet, per Section 4.2.1 I. of the Champaign**
30 **County Zoning Ordinance.**

31
32 Mr. Elwell requested a roll call vote.

33
34 The vote was called as follows:

35 **Randol- Yes Roberts- Yes Anderson- Yes Herbert- Yes**
36 **Elwell- Yes Wood- Yes Bates- Yes**

37
38 Mr. Elwell congratulated the petitioner on receiving his four affirmative votes and said the Staff would be
39 in touch with next steps.

40
41 Mr. Krutsinger said thank you very much.

42
43 **8. Staff Report - None**

44
45 **9. Other Business**

46 **A. Review of Docket**

47
48 Mr. Elwell asked if there was going to be any upcoming absences. He saw none. He entertained a
49 motion to Adjourn.

1 Mr. Herbert asked Mr. Hall if they needed to make a motion to suspend the by-laws for those five
2 meetings.

3
4 Mr. Hall said that would be a great help because they were going to continue to get in more zoning
5 cases and he would like to be authorized to docket those after May 25th.

6
7 Mr. Herbert asked how much time they would need to extend the meeting to get that done.

8
9 Mr. Hall said enough time to make a vote, 5 minutes.

10
11 **Mr. Bates moved, seconded by Mr. Herbert, to extend the meeting to 10:10PM. The motion**
12 **carried by voice vote.**

13
14 **Mr. Bates moved, seconded by Mr. Randol, to approve the proposed suspension of the ZBA by-**
15 **laws 5.11, for the March 30, 2023, April 13, 2023, April 27, 2023, May 11, 2023, and May 25,**
16 **2023 ZBA meetings. The motion carried by voice vote.**

17
18 Mr. Hall said thank you.

19
20 **10. Adjournment**

21
22 Mr. Elwell entertained a motion to Adjourn.

23
24 **Mr. Bates moved, seconded by Mr. Roberts to Adjourn the meeting. The motion carried by voice**
25 **vote.**

26
27 The meeting adjourned at 10:03pm.

28
29 Respectfully Submitted,

30
31
32 Secretary of the Zoning Board of Appeals

33
34
35
36
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